

COLORADO RIVER INDIAN TRIBES
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OFFICE OF THE GOVERNOR

September 12, 2008

Via Electronic and U.S. Mail

Eric Shepard
Attorney General
Colorado River Indian Tribes
Route 1, Box 23-B
Colorado River Indian Reservation
Parker, Arizona 85344

Re: Colorado River Indian Tribes Indian Lands

Dear Mr. Shepard:

Thank you for your letter dated June 3, 2008. I also appreciate the time and effort that you took to prepare the memorandum to me, dated June 4, 2008, outlining the Colorado River Indian Tribes' position with respect to lands the Tribe believes are eligible for class III gaming in California. We look forward to rescheduling our meeting so that we can discuss these issues. However, in the meantime, we request that you address one additional issue we believe is relevant to the Indian lands question that was not discussed in your letter or memorandum.

Specifically, we request that you address the 1904 Act, which terminated the CRIT reservation and allotted each Indian resident five acres. The remainder was to be sold as public domain land. (33 Stat. 224.) In 1911, the allotment to each Indian resident was increased by Congress to ten acres. (36 Stat. 1063.) In 1964, Congress restored the unsold and unallotted land in Arizona to the reservation. However, Congress also provided that the unallotted lands in California would be restored only "when and if determined to be within the reservation." (78 Stat. 188.)

As you know, the boundaries of CRIT reservation lands in California, if any, have not been resolved and are still subject to dispute. Consequently, the pre-condition in the 1964 Act to restoration of any California lands has not been satisfied. Thus, it appears that any CRIT California reservation lands, which were terminated in 1904, have not been restored.

Eric Shepard, Esq.
September 12, 2008
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Please let us know if you agree with this analysis or, if not, the basis upon which you disagree. Enclosed for your convenience are the statutory provisions referenced above. Thank you.

Sincerely,

A handwritten signature in blue ink, reading "Andrea Lynn Hoch". The signature is fluid and cursive, with the first name "Andrea" and last name "Hoch" being more prominent than the middle name "Lynn".

ANDREA LYNN HOCH

Legal Affairs Secretary

Enclosures

evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court for the eastern district of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs.

Proviso.
Bail.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or this Act, or doing anything with reference to the matters which in section four of this Act the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations.

Arrest may be made
by police, etc.

Act, p. 152.

SEC. 9. That the commissioner referred to in this Act and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district.

Fees, etc.

SEC. 10. That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

Payment of fees,
etc.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said reservation may be situated.

Fines, etc.

SEC. 12. That all persons who may be imprisoned for nonpayment of any fine, or costs, provided for by this Act, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated.

Imprisonment for
nonpayment.

SEC. 13. That upon the conviction of a party upon trial by said commissioner, or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding.

Execution of sen-
tence.

Approved, April 20, 1904.

→ CHAP. 1402.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes.

April 21, 1904.
[H. R. 12684.]
[Public, No. 125.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nine-

Indian Department
appropriations.

United States
courts, Ind. T.
Payment of balance
due deputy clerks for
salaries.

Salaries rated.

Vol. 28, p. 695.

Provisions.
Compensation in
fees.

Vol. 32, p. 842.

Clerk's fees for re-
cording, etc., in cer-
tain towns limited to
\$2,500.

Yuma and Colorado
River reservations.
Reclamation and
disposal of irrigable
lands in.
Vol. 32, p. 338.

Diversion of Colo-
rado River authorized.

Provisions.
Allotment.

Price per acre.

Installment pay-
ments.
Disposal of proceeds.

SEC. 24: That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay the deputy clerks of the United States court in the Indian Territory the deficiency that may exist in their salaries from March first, nineteen hundred and three, to be paid by the disbursing clerk of the Department of Justice in the same manner as the salaries of the clerks of the several United States courts in the Indian Territory are now paid. That hereafter the salaries of the deputy clerks in the Indian Territory, appointed under the Act of March first, eighteen hundred and ninety-five (Twenty-eighth Statutes, page six hundred and ninety-five), and Acts amendatory thereto, be paid by the disbursing clerk for the Department of Justice at the rate of one thousand two hundred dollars per annum, as fixed by said Act, in the same manner as the salaries of the clerks of the United States courts in the Indian Territory are now paid: *Provided*, That the deputy clerks shall receive as compensation for recording all instruments provided for in the Act of February nineteenth, nineteen hundred and three (Thirty-second Statutes, page eight hundred and forty), the fees allowed for the recording of instruments provided for in said Act, to an amount not exceeding the sum of one thousand eight hundred dollars per annum, out of which sum all the actual expenses for clerk hire shall be paid, and all fees so received by any deputy clerk as aforesaid, amounting to more than the sum of one thousand eight hundred dollars per annum shall be accounted for to the Department of Justice, as required in said Act: *Provided further*, That at the towns of South McAlester, Muscogee, Vinita and Ardmore, respectively, the clerks of the United States court, who are in charge at said places, but not the deputy clerks, shall be permitted to retain out of the fees collected for the recording and filing of all instruments provided for in the Act of February nineteenth, nineteen hundred and three (Thirty-second Statutes, page eight hundred and forty), an amount not exceeding the sum of two thousand five hundred dollars per annum, out of which sum all the actual expenses for clerk hire necessary in the recording of instruments provided for in the above Act, shall be paid and all fees so received by any clerk as aforesaid amounting to more than the sum of two thousand five hundred dollars per annum, shall be accounted for to the Department of Justice as required in said Act.

SEC. 25. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation Act of June seventeenth, nineteen hundred and two, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian reservations in California and Arizona, the Secretary of the Interior is hereby authorized to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations five acres of the irrigable lands. The remainder of the lands irrigable in said reservations shall be disposed of to settlers under the provisions of the reclamation Act: *Provided further*, That there shall be added to the charges required to be paid under said Act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservations before reclamation; said sum to be paid in annual installments in the same manner as the charges under the reclamation Act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and

shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

SEC. 26. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation Act of June seventeenth, nineteen hundred and two, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nevada, the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservation five acres of the irrigable lands. The remainder of the lands irrigable in said reservation shall be disposed of to settlers under the provisions of the reclamation Act: *Provided further*, That there shall be added to the charges required to be paid under said Act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservation before reclamation, said sum to be paid in annual installments in the same manner as the charges under the reclamation Act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

SEC. 27. That the Indian school authorized by the Act of March third, nineteen hundred and one, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes," to be located at or near the city of Mandan, in the State of North Dakota, is hereby located near the city of Bismarck, in the State of North Dakota, upon lands donated to the Government for that purpose and accepted by the Secretary of the Interior.

Approved, April 21, 1904.

Pyramid Lake Indian Reservation, Nev.
Reclamation and disposal of irrigable lands in.
Vol. 82, p. 388.

Provisos.
Allotment.

Price p. acre.

Installment pay-
ments.
Disposal of proceeds.

Bismarck, N. Dak.
Location of school
changed from Man-
dan to.
Vol. 81, p. 1078.

CHAP. 1403.—An Act To amend section twelve hundred and twenty-five of Revised Statutes, so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools.

April 21, 1904.
[S. 1399.]

[Public, No. 126.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twelve hundred and twenty-five of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail under the provisions of that Act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said Act, such retired officers and noncommissioned officers of the Army and Navy of the United States as in his judgment may be required for that purpose to act as instructors in military drill and tactics in schools in the United States and Territories where such instructions shall have been authorized by the educational authorities thereof, and where the services of such instructors shall have been applied for by said authorities.

SEC. 2. That no detail shall be made under this Act to any school unless it shall pay the cost of commutation of quarters of the retired officers or noncommissioned officers detailed thereto and the extra-duty

Military instruction
in schools.
Retired army and
navy officers may be
detailed to assist in.
R. S., sec. 1225, p. 216,
amended.

Schools to pay extra
cost.

Rifle contests.
Trophy, medals, and
prizes.

NATIONAL TROPHY AND MEDALS FOR RIFLE CONTESTS: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, ten thousand dollars.

Automatic rifles.
Purchase, etc.

Automatic rifles: For the purchase, manufacture, and test of automatic rifles, including their sights and equipments, to be available until the close of the fiscal year ending June thirtieth, nineteen hundred and thirteen, two hundred thousand dollars.

Field Artillery material.
Issue to Organized
Militia authorized.

FIELD ARTILLERY FOR ORGANIZED MILITIA: For the purpose of procuring Field Artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of seven hundred and seventy thousand dollars is hereby appropriated and made immediately available and to remain available until the end of the fiscal year nineteen hundred and thirteen, for the procurement and issue of the articles constituting the same, seven hundred and seventy thousand dollars.

Line officers.
Promotion to rank
lost by regimental
promotion.

On and after the passage of this Act, every line officer on the active list below the grade of colonel who has lost in lineal rank through the system of regimental promotion in force prior to October first, eighteen hundred and ninety, may, in the discretion of the President, and subject to examination for promotion as prescribed by law, be advanced to higher grades in his arm up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps to which he permanently belongs: *Provided*, That officers advanced to higher grades under the provisions of this Act shall be additional officers in those grades: *Provided further*, That nothing in this Act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this Act shall be junior to the officers who now rank them under existing law, when these officers have reached the same grade.

Approved, March 3, 1911.

Proviso.
To be additional
numbers.
Not to affect promotions
under existing
law.
Status of officers advanced.

March 8, 1911.
[H. R. 28406.]
[Public, No. 454.]

CHAP. 210.—An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and twelve.

Indian Department
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and

Detailed report.

Osage civilization
fund covered into
the Treasury.
Vol. 14, p. 687.

Supplying insuffi-
cient funds repealed.
Vol. 50, p. 98, re-
pealed.

entire fund, including such repayments, shall remain available until June thirtieth, nineteen hundred and seventeen, and all repayments to the fund hereby created which shall be made subsequent to June thirtieth, nineteen hundred and seventeen, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: *Provided still further*, That the Secretary of the Interior shall close the account known as the civilization fund created by article one of the treaty with the Osage Indians, dated September twenty-ninth, eighteen hundred and sixty-five (Fourteenth Statutes at Large, page six hundred and eighty-seven), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section eleven of the Indian appropriation Act for the fiscal year eighteen hundred and ninety-eight, approved June seventh, eighteen hundred and ninety-seven (Thirtieth Statutes at Large, page ninety-three), is hereby repealed.

Arizona.

ARIZONA AND NEW MEXICO.

Support, etc., of In-
dians on reservations.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, three hundred and thirty thousand dollars.

Gila River Reserva-
tion.
Irrigation system.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, one hundred and twenty-five thousand dollars.

Fort Mojave school.

For support and education of two hundred Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, thirty-five thousand one hundred dollars; for general repairs and improvements, four thousand dollars; in all, thirty-nine thousand one hundred dollars.

Phoenix school.

For support and education of seven hundred Indian pupils at the Indian school at Phoenix, Arizona, and for pay of superintendent, one hundred nineteen thousand four hundred dollars; for general repairs and improvements, eight thousand dollars; in all, one hundred twenty-seven thousand four hundred dollars.

Truxton Canyon
school.

For support and education of one hundred pupils at the Indian school at Truxton Canyon, Arizona, and for pay of superintendent, eighteen thousand two hundred dollars; for general repairs and improvements, three thousand dollars; in all, twenty-one thousand two hundred dollars.

Navajo Reservation.
Bridge, Tanner's
Crossing.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Arizona, ninety thousand dollars.

Rio Grande.
Bridges at Indian
pueblos.

For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, New Mexico, and the other at or near San Felipe Indian pueblo, New Mexico, fifty-five thousand dollars: *Provided*, That Indian labor shall be employed as far as practicable in the building of said bridges, and that the limit of cost herein fixed in no event shall be exceeded.

Proctor.
Indian labor.

California.

CALIFORNIA.

Support, etc., of In-
dians.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, fifty-seven thousand dollars.

For support and education of five hundred and fifty Indian pupils at the Sherman Institute, Riverside, California, and for pay of superintendent, ninety-four thousand three hundred and fifty dollars; for new shop building and equipment, ten thousand dollars; for general repairs and improvements, ten thousand dollars; in all, one hundred fourteen thousand three hundred and fifty dollars.

The first proviso in section twenty-five of the Indian appropriation Act, approved April twenty-first, nineteen hundred and four (Thirty-third Statutes, page two hundred and twenty-four), is hereby amended so that the first sentence in said proviso shall read as follows: "*Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations ten acres of the irrigable lands;" and there is hereby appropriated the sum of eighteen thousand dollars, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments, for the fiscal year nineteen hundred and twelve: *Provided*, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Sherman Institute.

Yuma and Colorado
River Reservations.
Vol. 53, p. 224.

Provisos.
Allotment of irrigable lands increased.

Cost advanced.

Reimbursement.

Advances a lien on allotment.

Satisfaction.

FLORIDA.

Florida.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, ten thousand dollars.

Relief, etc., of Seminoles.

IDAHO.

Idaho.

SEC. 5. For support and civilization of the Shoshones, Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, thirty thousand dollars.

Fort Hall Reservation.
Support, etc., of Indians.

To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, eighty-five thousand dollars, including ten thousand dollars for maintenance, to be immediately available.

Irrigating system.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article ten, treaty of July third, eighteen hundred and sixty-eight), five thousand dollars.

Bannocks.
Fulfilling treaty.
Vol. 15, p. 576.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article eleven, agreement ratified March third, eighteen hundred and ninety-one), three thousand dollars.

Coeur d'Alenes.
Fulfilling treaty.
Vol. 26, p. 1029.

The Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort

Fort Hall Reservation.